

Claims 1-40 are pending in this application.

Claims 1-29 stand rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. Claims 1-40 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,767,328 to Branemark ("Branemark '328").

Also in the Office Action, the Examiner acknowledged Applicant's claim for foreign priority based on applications filed in Germany on July 9, 1997 and February 1, 1998. However, the Examiner indicated that certified copies of the German applications has not yet been filed. The current application is a continuation-in-part of application serial no. 09/113,031 filed July 9, 1998. Certified copies of the German applications were filed in this parent case; thus, it is not required that Applicant also file certified copies of the German applications in this continuation application.

Turning first to the rejection of claims 1-29 under Section 112, second paragraph, Applicant respectfully disagrees that the terms "bending resistant" and "predetermined bending locations" are contradictory. The term "resistant" does not imply that no bending at all is possible. Rather, the term implies that only a sufficiently large bending capability exists so that during construction, as well as during the handling of the bar at its predetermined position, some bending is possible to allow the bar to match up, or fit, the jaw.

Thus, Applicant submits that claims 1-29 are not indefinite, and respectfully requests withdrawal of the rejection under Section 112 and reconsideration of these claims.

With regard to the substantive rejection of the claims as anticipated by Branemark '328, Applicant respectfully disagrees that this cited reference shows or even suggests the combination of elements as claimed in the present invention. Furthermore, Applicant is at a loss as to how all of the pending claims 1-40 could be summarily rejected under this reference without further explanation as to how Branemark '328 meets the limitations of all

40 pending claims. Without such detailed comment or explanation, the Applicant will nevertheless attempt to provide comment as to the patentable distinctions between this reference and the present invention.

The present application concerns the reshaping (i.e., regenerating, reconstruction, repairing and modeling) of bone. Branemark '328 relates to a mounting for a prosthetic.

In at least two instances, Branemark provides that the mounting (splint 3) is prefabricated (please see Branemark '328, column 2, line 34 and line 57). This means that with in a dental application, first the implants 2 must be set or placed. Next, basically a mold of the composition of the splint 3 must be determined and manufactured. Branemark '328 thus requires at least two completely separate treatments or applications.

With the present invention, however, the basic premise is that after the placement of the implants, the bar is able to be elongated and shaped, in order to then secure it. Such a feature is simply not shown by Branemark '328.

The bar of the present invention has a flat, rectangular cross section. The mounting 3 of Branemark '328 is L- or U-shaped, according to column 2, lines 36-37. From this, one can only conclude that the described mounting 3 of Branemark is a casting, while with the present invention, an elongated bar with a flat, rectangular cross-section is provided, from which sections are separated. (As Fig. 3 provides, the bar can be shaped as indicated by arrows A and B).


The mounting 3 of Branemark '328 is obviously uniformly bent or curved (as viewed from the top plan views). The required bending position according to the present invention, however, is positioned with minimal mutual, or reciprocative, distance in order to achieve suitable conformation to the curvature of the jaw during operation by bending.

It is therefore believed that the cited reference to Branemark '328 fails to teach the

invention as claimed in claims 1-40, or to even suggest such a combination of features. As such, claims 1-40 are patentable over this reference. Applicant respectfully requests withdrawal of the rejection of claims 1-40 under Section 102 and reconsideration of these claims.

In light of the foregoing remarks in support of patentability, Applicant respectfully submits that this application now stands in condition for allowance. Action to this end is courteously solicited. If any issues remain to be resolved prior to the allowance of this case, please contact the undersigned attorney for Applicant at the telephone number below. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call from him in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,


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